

**IDAHO DEPARTMENT OF WATER RESOURCES  
HEARING PROCEDURE REGARDING PROPOSED COMBINATION OF  
WATER DISTRICTS 74-F (PRATT CREEK), 74-J (WITHINGTON CREEK) AND  
WATER DISTRICT 74 (LEMHI RIVER) PURSUANT TO  
CHAPTER 6, TITLE 42, IDAHO CODE**

Salmon City Hall Council Chambers, 200 Main St., Salmon, Idaho

November 13, 2012

**Preliminary Matters**

- Circulate an attendance roster showing persons who desire to make a statement and whom they represent (for those who did not sign at the door).

**The Hearing (tape recorder on)**

- Good evening. My name is Tim Luke, I am Chief of the Water Compliance Bureau of the Idaho Department of Water Resources. I am serving as the Presiding Officer in this matter <sup>today</sup> ~~tonight~~.

- With me from the Department of Water Resources <sup>is</sup> ~~are~~:

Nick Miller, Water Distribution Section Mgr – State Office in Boise

- Also present today are:

Rick Sager – WD74 watermaster ?

Other State, County or City Officials:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- This matter concerns the proposed combination of water districts 74-F, 74-J and 74, within Department Administrative Basin 74.
- The provisions of Idaho Code § 42-604 require this hearing to be held prior to the combination of two or more water districts by the Director of the Department of Water Resources.
- These proceedings are being recorded.
- Please turn off your cell phones. And, please refrain from talking while others are making statements.
- For the record, this hearing is being conducted on November 13, 2012, commencing at: 4:00 pm at the Salmon City Hall Council Chambers, 200 Main St., Salmon, Idaho

- The purpose of this hearing is to provide affected water right holders, or their representatives, an opportunity to make an oral statement on the record stating their position, views, or concerns on combining the proposed water districts.
- There are signup sheets being circulated. If you wish to make a statement please sign up on one of these sheets.

### Review how we got here....

- Notice of this hearing was mailed to each affected water user in the proposed district as required under the provisions of Idaho Code § 42-604. *used in WD 74, Pratt CK & Whitington CK.*
- Prior to taking testimony at this hearing, I will give a brief explanation as to why the Department is proposing the combination of the water districts. Questions will be entertained.

Tim – will provide brief<sup>f</sup> oral explanation

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- If there are no further questions, we will begin taking statements and comments from those persons who desire to be heard in this proceeding.

### Organize Statements

- Determine order of presentations:
  - either as they appear on the attendance roster, or
  - divided between speakers in favor of district creation and those opposed.
- Identify persons who will testify and on whose behalf.
- Determine spokesperson for entities with multiple representation, as time constraints require.

### Procedure

- For the purposes of this hearing, persons making statements do not need to be sworn, nor will they be subject to cross-examination. The hearing officer may ask clarifying questions of the speakers, but will not respond to questions from the speakers or the audience while statements are being taken.
- All persons signing up to speak will be heard before others are heard. All persons wishing to speak will be heard once before anyone speaks a second time.
- The Department will accept written statements and comments at this hearing or until

the close of the comment period on November 23<sup>rd</sup>, 2012. Exhibits may accompany any oral or written statements. All written statements and comments should identify the presenter and the proposed district to which the statement or comments relate. Please send written comments to : IDWR , PO Box 83720, Boise Idaho 83720.

### **Taking of Statements**

- At this point, I would ask Mr. \_\_\_\_\_ to please come forward and make a statement for the record.
- Before proceeding with your statement, please state your name and address. Also please indicate if you are speaking for yourself only, or representing others.

### **Conclusion of Proceedings**

- If there is no other testimony, then we will conclude the record of oral statements in this proceeding.
- The hearing record will remain open for 10 days, through November 23<sup>rd</sup>, to allow time for the submittal of written comments as provided in the notice of this proceeding and as required by Idaho Code § 42-604. Please send written comments to: IDWR, PO Box 83720, Boise, Idaho 83720.
- I will issue a Preliminary Order following the close of the comment period. A copy of the Preliminary Order will be sent by regular mail to all holders of water rights affected by the order.
- Any party may file a petition for reconsideration within fourteen (14) days of the service date of the order. Any party may file briefs in support of or opposition to the Preliminary Order with the Director within fourteen (14) days of the service date of the order or denial of a petition for reconsideration. Otherwise, the Preliminary Order will become a Final Order of the agency. If the Director grants a petition for further review, the Director may schedule oral argument in the matter before issuing a Final Order.
- Any party feeling aggrieved by a Final Order may seek judicial review before the district court within twenty-eight (28) days of the issuance of the Final Order, or within twenty-eight (28) days of the action taken on a petition for reconsideration.
- *the 2 are combined, & 100% in the combined district will attend the annual*  
If a district is created, <sup>it</sup> a meeting will be held this spring to elect a watermaster and advisory committee and conduct other business necessary to initiate and operate the district.
- Thank you all for attending and for your participation. The record is now closed, except for the taking of written comments.